UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,502	04/20/2001	Andres Pinda	6565/1G622-US1	2600

7590   01/04/2005

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EXAMINER
STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/839,502	PINDA ET AL.
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *4/20/2001*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Summary

1.   Claims 1-22 are pending in the application.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 1-22 are rejected under 35 U.S.C. 101 because the invention is directed to non-statuatory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts: and

(2) whether the invention produces a useful, concrete and tangible result.

4.   For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, none of the claims are directed to anything in the technological arts as explained above. Looking at the claims as a whole, nothing in the body of the claims recites any structure or functionality to suggest that a computer performs the recited steps. Examiner notes that technology in the preamble of a claim is not granted any patentable weight.

Additionally, for a claimed invention to be statutory, the claimed invention must produce

a useful, concrete, and tangible result. In the present case, the claimed invention

provides a method for matching job search positions with qualified candidates; which is

a useful, concrete and tangible result. Although the recited process produces a useful,

concrete and tangible result, since the claimed invention, as a whole, is not within the

technological arts as explained above, Claims 1-22 are directed to be directed to non-

statutory subject matter.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Puram US 6,289,340.

Regarding Claim 1, Puram teaches:

a. storing candidate profile data corresponding to a plurality of candidates, the

candidate profile data including identification data corresponding to each candidate

(column 3 line 51-55, candidate accesses tables to provide their profile information);

b. receiving a search request from an employer to be applied to the candidate

profile data (column 7 line 7-8, records searched to identify subpool of candidates);

c. displaying a search result to the employer, the search result including a listing

of at least one matched candidate having candidate profile data that corresponds to a

portion of the search request and excluding identification data for each matched

candidate (column 7 line 65-68, results from search passed on to employer);

d. receiving, from the employer, a request to receive identification data for at

least one matched candidate (column 8 line 30-33, system provides links for employer

to download resumes in pdf format).

Puram does not teach:

e. charging a fee to the employer based on the request to receive identification

data. Examiner takes Official Notice that it is old and well known in the art to charge a

fee to an employer to receive identification data regarding employment candidates. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify the invention of Puram, as taught above, with charging a fee to receive

identification data regarding employment candidates, because it would provide

economic incentive to increase profit by providing the service of effectively matching

candidates with employment positions.

Regarding Claim 2, Puram teaches:

a. comparing each candidate profile to the search request (column 7 line 9-11,

records of candidates searched to compare profiles against criteria of request);

b. determining a match when at least a portion of the candidate profile satisfies

the search request (column 7 line 21-22, candidates returned whose skills profiles

matches or exceeds criteria); and

c. compiling the search result from portions of matching candidate profile (column

7 line 21-22, search returns list of compiled candidates).

Regarding Claim 3, Puram teaches the step of determining the percentage of satisfaction of the match between the candidate profile and the search request (column 8 line 50-51, candidate's score expressed as percentage).

Regarding Claim 4, Puram teaches wherein a candidate profile includes an exclusion list of one or more employers, the method further comprising the steps of:

a. determining whether the employer is indicated on the exclusion list (column 5 line 39-40, candidates preferences include a list of companies candidate does not wish to work for); and

b. excluding all portions of the candidate profile from the search result upon determination that the employer is indicated on the exclusion list (column 7 line 14, candidate's preference data used in generating matching subpool).

Regarding Claim 5, Puram teaches:

a. providing the candidate with a skills test (column 5 line 21-23, testing or third party evaluation provided);

b. receiving test results from the candidate (column 5 line 31-35, test results are stored);

c. generating a ranking based on the test results (column 5 line 24-26, testing scores provide ranking); and

d. associating at least one of the test results and the ranking with the candidate profile corresponding to the candidate (column 5 line 29-31, candidates skills as determined by testing stored in association with identifying information).

Regarding Claim 6, Puram teaches:

a. receiving from the employer, a request to receive the ranking for at least one

matched candidate (column 5 line 24-26, testing scores provide ranking); and

b. providing the ranking of the matched candidates to the employer (column 7

line 21-22, search returns candidates).

Puram does not teach:

b. charging the employer a fee based on the request to receive the ranking;

Examiner takes Official Notice that it is old and well known in the art to charge a fee to

an employer to receive identification data regarding employment candidates. It would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

the invention of Puram, as taught above, with charging a fee to receive identification

data regarding employment candidates, because it would provide economic incentive to

increase profit by providing the service of effectively matching candidates with

employment positions.

Regarding Claim 7, Puram teaches providing feedback to a candidate for their

need for training (column 9 line 29-33, feedback helps candidates identify needs for

future instruction or training) and indicating the result of the training in the candidate

profile corresponding to the candidate (column 5 line 11, candidate enters skills

including particular training received). Puram does not teach:

a. receiving a request from a candidate for training;

b. providing the requested training to the candidate;

Examiner takes Official notice that it is old and well known in the art to receive a request

from a candidate for training and providing the requested training to the candidate. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify the invention of Puram, as taught above, with receiving a request from a

candidate for training and providing the requested training to the candidate, because it

would improve a candidate's attractiveness to potential employers.

Regarding Claim 8, Puram does not teach:

a. receiving a request from the employer for background check on a candidate;

and

b. providing the employer with the background check on the candidate.

Examiner takes Official Notice that it is old and well known in the art to receive a

request from an employer to perform a background check and provide the employer

with the background check on the candidate. Background checks are a normal and

accepted part of the hiring process once a promising candidate has been identified. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify the invention of Puram, as taught above, with receiving a request from an

employer to perform a background check on a candidate and providing the employer

with the results of that background check, because it would automate the hiring

process.

Regarding Claim 9, Puram teaches gathering and interrogating data from

candidates by computer (column 3 line 34-35, computer performs several processes

including gathering and interrogating data from candidates). Puram does not teach:

a. receiving a resume in electronic format from a candidate,

b. parsing the resume to identify information segments in the resume; and

c. generating a candidate profile by placing the identified segments in the

corresponding profile format. Examiner takes Official Notice that it is old and well

known in the art to receive a resume in electronic format, parse the resume to identify

information segments and generate a profile by placing the identified segments in the

corresponding format. It would have been obvious to one of ordinary skill in the art at

the time of the invention to modify the invention of Puram, as taught above, with

receiving and parsing a resume to generate a candidate profile because it would

automate the process of an employment candidate entering data to generate a profile.

Claims 10-13 and 15-22 recite limitations already addressed by the rejection of

Claims 1-9 above, therefore the same rejection applies.

Regarding Claim 14, Puram teaches:

a. storing job profile data corresponding to a plurality of available job positions

(column 3 line 35-36, computer interrogates employer about positions to be filled);

e. transmitting candidate profile data corresponding to the candidate to an

employer posting the indicated job listing (column 7 line 65-68, results from search

including candidate profile data passed on to employer);

f. receiving, from the employer, a request to receive identification data for the

candidate (column 8 line 30-33, system provides links for employer to download

resumes in pdf format);

Puram does not teach:

b. receiving a search request from a candidate to be applied to the job profile

data;

c. displaying a search result to the candidate including a listing of at least one job opening that corresponds to a portion of the search request;

d. receiving, from the candidate, an indication of interest in at least one of the listed job openings.

g. charging a fee to the employer based on the request to receive identification data.

Examiner takes Official Notice that it is old and well known in the art for candidates to search job positions to indicate interest in one or more of the job positions. It is also old and well known in the art to charge a fee to an employer to receive identification data regarding employment candidates. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Puram, as taught above, with receiving a search request from a candidate to be applied to job profile data; receiving an indication of interest from the candidate regarding one of the positions and with charging a fee to receive identification data regarding employment candidates, because it would provide economic incentive for providing the service of effectively matching candidates with employment positions and would provide candidates with the opportunity to efficiently search positions to identify positions of interest.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Web.archive.org's webpage of July 2, 1998 describing monster.com's recruiter tools, pp.1-2.

US 6,662,194 by Joao discloses a computerized system for providing job searching and matching capabilities to employers and candidates.

US 6,370,510 by McGovern discloses a system and method for using a computer network to post and search job openings.

US 5,164,897 by Clark discloses an automated method for selecting personnel matched to job criteria.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached from 8-4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 12-24-04

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